

REMARKS

Clarifying amendments have been made to claims 15, 18, 19, 24, 25 and 26; former claims 16, 17 and 27 have been cancelled and claim dependencies in claims 18, 19, 20, 22, and 23 amended accordingly; new claim 28 has been added; claims 1-15, 18-26 and 28-30 are currently pending in the application.

Claim Objections

The Examiner objected to informalities in claims 12 and 27 and these claims have been amended to correct the noted informalities.

Claim Rejections 35 USC 112

The Examiner rejected claim 15 on the basis that the limitation "the electronic device" lacked antecedent basis as the term "mobile device" was used previously in the claim. Such claim has been amended to overcome the rejection.

Claim Rejections 35 USC 102

The Examiner has rejected claims 1-8 and 11-14 under 35 USC 102(e) as being anticipated by Fogle et al, US Patent Application No 2003/0074590 (hereinafter Fogle). Applicant respectfully requests withdrawal of the rejection of these claims for the reasons stated below.

Regarding independent claim 1, the rejection of such claim as being anticipated by Fogle is improper as Fogle fails to disclose all of the limitations of independent claim 1. In particular, Fogle fails to disclose an electronic device having a device lock module for implementing restrictions on user access to the electronic device if user input activity falls below a threshold, wherein the device lock module redetermines the threshold if a stimulus is issued by the output device. Rather, Fogle discloses a

device, with reference to Figures 3A and 3B of Fogle, in which the device will enter a power-saving standby mode if a first predetermined time duration (T_A) goes by without user activity, and after entering standby mode, will subsequently enter a lock workstation mode in the event that a second predetermined time duration (T_B) passes without detection of a user input. The two time durations disclosed in Fogle, namely the time duration T_A for entering standby mode, and the second time duration T_B for entering a lock workstation mode, are not dependent on whether a stimulus is issued by an output device of the workstation, and are not redetermined if a stimulus is issued by the output device. Accordingly, Fogle does not disclose an electronic device in which the minimum user input activity threshold for determining if user access restrictions to the electronic device is redetermined if a stimulus is issued by an output device of the electronic device, and thus independent claim 1 is not anticipated by Fogle.

Claims 2-8 depend from independent claim 1 and accordingly are also not anticipated by Fogle for the reasons stated above. Furthermore, these claims add additional novel and inventive features not disclosed in Fogle, some of which are as follows.

Dependent claim 2 adds the limitation that the threshold includes a lack of user input activity within a timed period, the device lock module configured for redetermining the time period if the stimulus is issued by the output device within the timed period. As indicated above, the feature of redetermining the timed period for implementing restrictions on user access if a stimulus is issued by the output device within the timed period is not disclosed in Fogle. Applicant has carefully reviewed the specific citations from Fogle identified by the Examiner (namely Fogle p.3 [0030-0036], p.3 [0040-0045] and p.4 [0049-0052]) and notes that Fogle only discloses a device in which a first threshold time duration of user inactivity is used to determine when a power standby mode should be entered, and after entering power standby mode, a second threshold time duration of user inactivity is used to

determine when the device should be locked. Neither of the time durations disclosed in Fogle are adjusted if the device issues a stimulus.

Dependent claim 3 further clarifies that the device lock module is configured for setting an initial value for the timed period; monitoring for user activity within the timed period and if user activity is not detected within the timed period then implementing the restrictions on user access; and monitoring for issuance of the stimulus within the timed period and if the stimulus is issued during the timed period, resetting a time remaining in the timed period to a second value less than the initial value. Such features are not disclosed in Fogle – among other things, Fogle fails to disclose monitoring for issuance of a stimulus within a timed period, and if the stimulus is issued during the timed period, resetting a time remaining in the timed period to a second value that is less than the initial value.

With respect to claim 5, such dependent claim has the further feature that the device lock module is configured for tracking user response times to issued stimuli and adjusting the second value based on the tracked user response times. Such feature allows the second value (i.e. the threshold time for which user inactivity after issuance of a stimulus results in user access restrictions being applied) to be adaptively determined based on previously tracked user response times. Such a feature is neither disclosed in or suggested by Fogle.

Regarding claim 6, such claim further specifies that the stimulus includes at least one of an aural stimulus and a physical stimulus. In other words, the feature as specified in claim 6 indicates that the minimum user activity threshold which determines when restrictions on user access to the device are implemented is adjusted if either an aural stimulus or a physical stimulus is issued to a user of the electronic device. The Examiner has identified p.3 [0032-0033] as disclosing such a feature, however applicant's careful review of such paragraph fails to turn up any disclosure or suggestion of such a feature.

Dependent claim 7 adds the further feature that the electronic device is a mobile communications device, and the processor is configured for causing the output device to issue the stimulus when the electronic device receives a new communication addressed to it over the wireless network. Accordingly, in the electronic device of independent claim 7, the minimum user input activity threshold is redetermined when a new communication is received by the communications device. Such a feature is neither disclosed in or suggested by Fogle.

With respect to independent method claim 11, applicant again respectfully submits that the rejection of such claim as being anticipated by Fogle is improper and should be withdrawn as Fogle fails to teach all of the limitations of independent claim 11. In particular, Fogle fails to teach the resetting of a lockout time interval to a shorter value if a user stimulus is issued by the mobile communications device. Rather, Fogle merely discloses the use of using a first time interval to determine when to enter a power-saving mode, and then once the device has entered a power-saving mode, using a second predetermined time interval as a threshold for determining when to enter a lock mode. There is no disclosure in Fogle suggesting that the time interval for determining when to enter a lock mode should be shortened after a user stimulus is issued by the mobile communications device.

It is respectfully submitted that claims 12 to 14 which depend from claim 11 are directed to subject matter that is novel and inventive over Fogle for the same reason as stated above in respect of claim 11, and additionally that such claims introduce further novel features. For example, dependent claim 13 includes monitoring for new communications received by the mobile communications device and issuing the user stimulus in response to receiving a new communication at the mobile communications device. Thus, in the method of claim 13, the lockout time interval is shortened when a new communication is received by the mobile communications device. Such a feature is not disclosed in Fogle.

The Examiner has rejected claims 15-17, 19, 22, 23 and 25 under 35 U.S.C. 102(e) as being anticipated by Ozeki et al., U.S. Publication Number 2003/0073448 A1 (hereinafter Ozeki).

By way of the present amendment, independent claim 15 has been amended to additionally include, among other things, limitations similar to those formally found in dependent claims 16 and 17, which have each been cancelled. As amended, independent claim 15 pertains to a mobile device, which includes, among other things, a device lock function associated with a processor of the device for implementing restrictions on user access to the mobile device if user input activity for the mobile device falls below a threshold, the device lock feature being configured for requiring a predetermined user input to remove the restrictions on user access once they have been implemented, the device lock function being configured for changing the predetermined user input required to remove the restrictions on user access in dependence on location information which is determined by the processor based on input signals received from an input device of the mobile device. A mobile device having such a feature is neither shown in or suggested by Ozeki, and accordingly the rejection of independent claim 15 must be withdrawn.

Rather, Ozeki discloses a device in which an access prohibiting unit 181 of the device prohibits access to memory when a condition verifying unit 15 of the device determines that the current location information does not meet the conditions for operation, and the prohibition cancellation unit 182 cancels the prohibition when the password preregistered by the owner is input (see for example page 3 [0048]). In other words, Ozeki discloses a device in which user access is freely permitted until location information for the device indicates that the device has moved outside predefined areas, at which point access restrictions are applied and a user password is required to remove those access restrictions. Such a system can be

contrasted to that of independent claim 15 in which different user inputs are required to remove the restrictions on user access independence on the determined location information. Ozeki discloses a device in which either a password is required (if the device is deemed to be in a restricted location) or password entry is not required (if the device is deemed to be in a secure location). Ozeki does not disclose using different passwords (i.e. predetermined user inputs) to remove the restrictions once they have been applied, in dependence on the determined location information. In Ozeki, unlike present claim 15, once user access restrictions have been actually applied, only a single password is available to remove the restrictions.

It is respectfully submitted that claims 18-24 which depend from claim 15 are directed to subject matter that is distinguishable from Ozeki for the reasons stated above. Additionally, such claims introduce further novel and inventive features. For example, dependent claim 18 has the clarifying limitation that the predetermined user input includes entry of a predetermined password, the device lock function being configured for selecting which of a plurality of predetermined passwords is required to remove the restrictions on user access in dependence on the determined location information. The feature of selecting from a plurality of different possible passwords based on determined location information is not disclosed in Ozeki, which only discloses the use of a single password for removing access restrictions once they have been applied. In other words, in Ozeki, the actual application of the access restrictions is location dependent, once the restrictions have been applied, the password required to move those restrictions is not location dependent.

With respect to dependent claim 9, such claim adds the limitation that the device lock function is configured for determining the threshold below which user input activity must fall in order to implement restrictions on user access, in dependence on the determined location information. Ozeki does not disclose a device in which

the minimum user input activity threshold for implementing restrictions on user access are determined independent on location information.

Regarding independent claim 25, as amended, such claim includes the subject matter of former claim 27 and is directed to a method for providing security to a mobile electronic device having a device lock function that restricts use of the mobile electronic device by a user thereof by locking the device under predetermined circumstances, the method including receiving input signals from an input device of the mobile electronic device, determining if the mobile electronic device is in a secure location based on the input signals; and requiring input of a first predetermined password by user to unlock the mobile electronic device if it is in the secure location and requiring input of a second predetermined password by user to unlock the mobile device if it is not in the secure location. As indicated above, the feature of requiring input of a first predetermined password if the device is in a secure location and input of a second predetermined password to unlock the device if it is not in a secure location is neither disclosed in or suggested by Ozeki.

Claim Rejections – 35 U.S.C. §103

The Examiner has rejected claims 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Fogle as applied to claim 1, and further in view of Rodriguez et al., U.S. Patent No. 6,651,173 (hereinafter Rodriguez). It is respectfully submitted that such objection is improper and should be withdrawn for the reasons stated below.

Regarding claims 9 and 10, as indicated above, Fogle does not teach all of the limitations of claim 1. Accordingly, the modification of Fogle with Rodriguez in the manner suggested by the Examiner would not result in the claimed subject matter.

Claims 20 and 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ozeki as applied to claim 16 in the Office action, and further in view of Landram et al., U.S. Publication No. 2005/0077997 A1. Reconsideration and withdrawal of the rejection of these claims as improper is respectfully requested for the following reasons. Claim 20 as amended depends from amended independent claim 15, and claim 21 depends from claim 20. As indicated above, Ozeki does not teach all of the limitations of independent claim 15, and accordingly the modification of Ozeki with Landram in a manner suggested by the Examiner would not result in the subject matter of the current claims.

The Examiner has rejected claim 24 under 35 U.S.C. 103(a) as being unpatentable over Ozeki as applied to claim 15 in the Office action, and further in view of Huang, U.S. Publication No. 2005/0164720 A1 (hereinafter Huang). Reconsideration and withdrawal of such rejection is respectfully requested on the basis that, as indicated above, Ozeki does not teach all the limitations of present claim 15. Accordingly, it would not be obvious to modify Ozeki with Huang in the manner suggested by the Examiner to arrive at the claimed subject matter.

Furthermore, new independent claim 28 has been added to the application which is directed to subject matter similar to that of original claim 24. It is respectfully submitted that such subject matter is both novel and patentable over the cited references. New independent claim 28 includes the limitation of a message filtering module associated with a processor for filtering electronic messages received by the mobile device, the message filtering module being configured for adjusting filtering criteria for filtering the electronic messages received by a mobile device in dependence on determined location information. As indicated above, Ozeki discloses a device which enters into a restricted access mode based on location information. Huang discloses a situation in which message filtering can occur, however Huang does not disclose filtering that is in any way related to location information. There is no motivation or suggestion in the cited references that would

lead one to the subject matter of independent claim 28. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. As the federal circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. The section 103 rejection of the subject matter of original claim 24 (now incorporated into new claim 28) is based on a combination of teachings of multiple patents in an attempt to arrive at the claimed invention and thus the section 103 rejection appears to have been improperly based on hindsight reconstructions in which isolated disclosures have been picked and chosen in an attempt to depreciate the claimed invention. Accordingly, it is respectfully submitted that an obviousness type rejection of the subject matter of new claim 28 is improper.

The Examiner has rejected claims 18, 26 and 27 under 35 U.S.C. 103(a) as being unpatentable over Ozeki as applied to claims 17 and 25 in the Office action, and further in view of Rodriguez.

Regarding claim 18, such claim depends from claim 15, and as indicated above, Ozeki does not teach all the limitations of claim 15, and accordingly the combination of Ozeki and Rodriguez in the manner suggested by the Examiner would not result in the claimed invention. There is no suggestion or motivation in either Ozeki or Rodriguez to provide a device lock function which requires different passwords to unlock the device in dependence on determined location information. Ozeki simply discloses the requirement for locking the device based on location information, and Rodriguez discloses using different passwords based on a user inputted schedule. Accordingly, continued rejection of amended claim 18 would be improperly based on hindsight reconstructions in which isolated disclosures have been picked and chosen in an attempt to depreciate the claimed invention.

Regarding claim 26, former dependent claim 26 has been rewritten as a dependent claim incorporating all the features of former claim 15, with additional clarifying amendments. It is respectfully submitted that the subject matter of amended claim 26 is novel and patentable over the cited references. Amended method claim 26 includes, among other things, determining if the mobile electronic device is in a secure location based on received input signals, and applying, if the mobile electronic device is determined to be in a secure location, a first count down timer defining a duration after which the mobile electronic device will be locked if user interaction with the mobile electronic device is not detected, and applying, if the mobile electronic device is determined not to be in a secure location, a second, shorter count down timer value defining the duration after which the mobile electronic device would be locked if user interaction with the mobile device is not detected.

Ozeki discloses a device in which no countdown timer is applied once a determination is made that the device is in an "unsecure" environment – rather, the device is immediately locked. Rodriguez discloses using different countdown times based on a user input schedule, with no reference to making the determination based on location information. There is no teaching or suggestion in the cited art to lead to their combination to result in the features of claim 26 and a section 103 rejection of such claim would be improperly based on hindsight reconstructions in which isolated disclosures have been picked and chosen in an attempt to depreciate the claimed invention.

The subject matter of former claim 27 (now cancelled) has been included in dependent method claim 25. Claim 25 is both novel and patentable for the reasons stated above.

It is noted that a number of the references cited above have been cited on the basis that although such references were not published more than a year before the filing

date of the present application, such cited references had filing dates preceding that of the present application. The arguments submitted above are not an admission that subject matter covered by the claims of the present application were invented after the filing dates of the cited references, and applicant reserves the option in future proceedings to submit evidence showing an invention date earlier than applicant's filing date.

It is respectfully submitted that the remarks herein represent a complete response to all outstanding issues and place the subject application into condition for allowance. Favorable consideration and allowance is respectfully requested.

Respectfully Submitted,

Ahmed E. Hassan et al.

By:

David J. Greer, Regn. No. 43,395

Place: Toronto, Ontario, Canada

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